

Meeting Minutes
Meeting of November 18, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, November 18, 2010, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:12 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Larry Levesque
(designee for Commissioner DelGobbo)
Daniel P. Lynch, Jr.
Edward S. Wilensky

Colin C. Tait
Vice Chairman
Barbara Currier Bell
Philip T. Ashton
James J. Murphy, Jr.

Council Members Absent

Brian Golembiewski
(designee for Commissioner Marrella)

Staff Members Present:

Linda Roberts
Executive Director
Melanie Bachman
Staff Attorney
Christina Walsh
Siting Analyst Supervisor

Robert Mercier
Siting Analyst
David Martin
Siting Analyst

Staff Members Absent:

Michael Perrone
Siting Analyst

Recording Secretary:

Carriann Mulcahy

Minutes of November 5, 2010.

Dr. Bell moved to approve the Minutes of November 5, 2010, seconded by Mr. Murphy. The motion passed with Mr. Lynch abstaining.

DOCKET NT-2010 - Reopening of final decisions pursuant to C.G.S. §4-181a(b) for jurisdictional natural gas-fired electric generating facilities under C.G.S. §16-50i(a)(3) and C.G.S. §16-50k(a) limited to Council consideration of changed conditions and the attachment of conditions to the certificates and declaratory rulings consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission. Addition of Petition No. 377.

Mr. Murphy moved to add Petition No. 377 to Docket NT-2010, seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 187A - Milford Power Company, LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 187 to Allow Milford Power Company, LLC to Suspend its Backup Fuel System Based on Changed Conditions the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel and the recommendations of the Thomas Commission. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members with Mr. Tait, Mr. Murphy, Mr. Levesque, Mr. Lynch, Mr. Wilensky, and Mr. Ashton in favor of the Changed Conditions and with Dr. Bell abstaining.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next regularly scheduled meeting.

DOCKET NO. 331 - TowerCo, LLC (TowerCo) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 836 Foxon Road, East Haven, Connecticut. Request for Extension.

Mr. Ashton moved to grant an extension until December 31, 2011, for the construction of the facility, seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 383 - New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, management, and operation of a telecommunications facility located at 316 Perkins Road, Southbury, Connecticut. Development and Management Plan.

Mr. Tait moved to approve the Development and Management Plan with the condition that the weekly inspection reports that are part of the eastern box turtle protection protocol be filed with the Council. The motion was seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 388 - New Cingular Wireless PCS, LLC (AT&T) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut. Development and Management Plan.

Dr. Bell moved to table this item, seconded by Mr. Tait. The motion passed unanimously.

DOCKET NO. 401 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 208 Valley Road, New Canaan, Connecticut. Motion to Reopen Evidentiary Hearing.

Mr. Wilensky moved to remove this item from the table, seconded by Dr. Bell. The motion passed unanimously.

Mr. Murphy moved to reopen the evidentiary hearing, seconded by Mr. Ashton. The motion passed with Mr. Lynch voting no.

Mr. Ashton moved to grant AT&T intervenor status in this proceeding, seconded by Mr. Murphy. The motion passed with Mr. Lynch voting no.

DOCKET NO. 403 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 174 South Grand Street, Suffield, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Levesque, and Mr. Ashton in favor of the proposed facility.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next regularly scheduled meeting.

DOCKET NO. 407 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 77-145 Pleasant Point Road, Branford, Connecticut. Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the schedule for processing the docket as per staff recommendations; the appointment of Jessica Brito-Weston as custodian of the docket; the deposition of the transcript in the Town of Branford; and a public field review and hearing in Branford on Tuesday, January 25, 2011. The motion was seconded by Mr. Lynch. The motion passed unanimously.

DOCKET NO. 408 - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut. Schedule, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the schedule for processing the docket as per staff recommendations; the deposition of the transcript in the Town of Hartland; and a public field review and hearing in Hartland on Thursday, January 13, 2011. The motion was seconded by Mr. Lynch. The motion passed unanimously.

Mr. Tait moved to grant Thomas H. Sirman party status in this proceeding, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 409 - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village), Connecticut. Completeness Review.

Mr. Ashton moved to approve the application as complete and the appointment of Jessica Brito-Weston as custodian of the docket, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 410 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 234 Melba Street, Milford, Connecticut. Completeness Review.

Mr. Ashton moved to approve the application as complete and the appointment of Lisa Fontaine as custodian of the docket, seconded by Mr. Lynch. The motion passed with Dr. Bell abstaining.

DOCKET NO. 411 - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut. Completeness Review.

Dr. Bell moved to approve the application as complete and the appointment of Jessica Brito-Weston as custodian of the docket, seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 970 - Yankee Gas Services Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a 60-foot wooden pole and associated radio communications equipment located at 10 Murphys Lane, Shelton, Connecticut. Decision.

Dr. Bell moved to approve this petition, seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 972 - MetroPCS Massachusetts, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the expansion of a unipole structure located at the Goshen Fire Department, 1 Palmer Road, Waterford, Connecticut. Decision.

Mr. Murphy moved to approve this petition with the condition that the location of the equipment compound remain on the current Fire Department property, seconded by Dr. Bell. The motion passed unanimously.

TS-CLEARWIRE-051-100831 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 2189 Black Rock Turnpike, Fairfield, Connecticut.

Mr. Wilensky moved to remove this item from the table, seconded by Dr. Bell.

Mr. Wilensky moved to approve this tower share request, seconded by Mr. Ashton. The motion passed unanimously.

TS-CLEARWIRE-066-101101 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 159 Weingart Road, Harwinton, Connecticut.

Mr. Ashton moved to approve this tower share request, seconded by Mr. Tait. The motion passed unanimously.

Administrative Matters.

Ms. Roberts announced that the next energy/telecommunications meeting is scheduled for Thursday, December 2, 2010. Ms. Roberts announced the following upcoming Council activity:

Tuesday, November 23, 2010
404 (Cingular/Redding) Public Hearing
2:00 p.m. field review/3/7:00 p.m.

Tuesday, November 30, 2010
DO 405 (Verizon/Voluntown) Public Hearing
1:45 p.m. field review-2 sites/3/7:00 p.m.

Tuesday, December 7, 2010
Thursday, December 9, 2010
Tuesday, December 14, 2010
DO NT-2010 (LOB) Public Hearing
10:00 a.m. to 5:00 p.m.

Adjournment.

Mr. Ashton moved to adjourn the meeting at 3:20 p.m.; seconded by Mr. Lynch. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm